

# CONTOS & BUNCH

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September 1, 1983

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REPLY TO: Woodland Hills

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Michael Magnuson, Esq.  
LAW OFFICES OF BARRETT S. LITT  
617 So. Olive Street, Ste. 1000  
Los Angeles, CA 90014

Re: Church of Scientology of California  
vs. Armstrong  
Case No. C 420 153

Dear Counsel:

I recently received a telephone call from Mr. Magnuson regarding the code provision under which the deposition of L. Ron Hubbard has been noticed. The purpose of this letter is to advise all counsel that the deposition has been noticed pursuant to California Code of Civil Procedure, Section 2019(a)(4).

Section 2019(a)(4) provides, in pertinent part, that when taking a deposition of a person "for whose immediate benefit an action or proceeding is prosecuted" (emphasis added), service of a subpoena upon the person is not required if proper notice is given to the "attorney of the party prosecuting or defending the action or proceeding for the immediate benefit of the deponent."

It is our position that all counsel representing the Church of Scientology of California and counsel representing Mary Sue Hubbard are prosecuting the above-referenced action for the "immediate benefit" of L. Ron Hubbard. There is no question that litigation of this matter by your clients will inure to the immediate benefit of Mr. Hubbard, should your clients prevail. In that regard, Section 2019(a)(4) is applicable, and it is sufficient

John G. Peterson, Esq.  
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Church of Scientology vs. Armstrong  
Page Two

that notice has been served on all counsel for the Church of Scientology of California and Mary Sue Hubbard. We expect that you will produce Mr. Hubbard for the deposition.

I want it to be clearly understood that it is not my intention to have you appear unnecessarily for the deposition scheduled for September 20, 1983, should Mr. Hubbard not be produced. Thus, if you do not intend to produce Mr. Hubbard, please advise me of the same in writing prior to September 20, 1983.

Very truly yours,

CONTOS & BUNCH

  
JULIA DRAGOJEVIC

✓ JD:pr

cc: Gerald Armstrong